

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO  
Judge Robert E. Blackburn**

Civil Action No. 10-cv-01623-REB-MJW

SUZANNE KENNEDY, on behalf of herself and all others similarly situated,

Plaintiff,

v.

THE COCA-COLA COMPANY,  
GERBER PRODUCTS COMPANY,  
HAIN CELESTIAL GROUP, INC., and  
MOTT'S INC.,

Defendants.

---

**ORDER RE: MOTIONS FOR CLASS CERTIFICATION**

---

**Blackburn, J.**

The matter is before the court *sua sponte*. In this putative class action, the court recognizes the requirement under Fed.R.Civ.P. 23(c)(1)(A) to determine whether to certify a class before the case properly can proceed to resolution by summary judgment, trial, or otherwise. Therefore, I establish the following briefing schedule to govern resolution of this and related matters.

**IT IS ORDERED** as follows:

1. That no later than thirty (30) days from the date of this order plaintiff **SHALL FILE** a motion for class certification under Fed. R. Civ. P. 23 (a) that addresses, *inter alia*, (i) the prerequisites at Fed. R. Civ. P. 23(a)(1)-(4), and (ii) the matters at Fed. R. Civ. P. 23(b); (b) that defines the proposed class; and (c) that requests the appointment of class counsel;
2. That the deadlines for filing response and reply briefs **SHALL BE AS**

**PRESCRIBED** under D.C.COLO.LCivR 7.1C.;

3. That an applicant for class counsel **SHALL ADDRESS** the matters at Fed. R. Civ. P. 23(g)(1)(A)(i)-(iv) and any other matter pertinent to the applicant's ability to fairly and adequately represent the interests of the proposed class; and
4. That based on the parties' submissions, the court **WILL** either rule on the papers, order further briefing, convene an evidentiary hearing, or take such further action as the court in its discretion deems proper and necessary.

Dated November 15, 2010, at Denver, Colorado.

**BY THE COURT:**

  
\_\_\_\_\_  
Robert E. Blackburn  
United States District Judge